

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AUDRA McCOWAN *and*
JENNIFER ALLEN,

Plaintiffs,

v.

CITY OF PHILADELPHIA,

Defendant.

Civil Action No. 19-cv-3326-KSM

Proposed Order

AND NOW this _____ day of _____, 2022, upon consideration of Defendant City of Philadelphia's Motion for Judgment as a Matter of Law or, in the alternative, for a New Trial or Remittitur, and Plaintiffs' Response in Opposition thereto, it is hereby **ORDERED** that Defendant's Motion is **DENIED**.

KAREN S. MARSTON, J.

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**Memorandum of Law in Support of Plaintiffs’
Opposition to Defendant’s Motion for
Judgment as a Matter of Law or, in the
Alternative, for a New Trial or Remittitur**

On June 21, 2022, Defendant City of Philadelphia filed a Motion for Judgment as a Matter of Law or, in the alternative, for a New Trial or Remittitur. See ECF Doc. No. 238. Defendant’s Motion failed to include a brief in support of the motion as required by United States District Court for the Eastern District of Pennsylvania Local Rule 7.1(c). This rule requires that every motion not certified as uncontested be “accompanied by a brief containing a concise statement of the legal contentions and authorities relied upon in support of the motion.” L.Civ.R. 7.1(c). Defendant’s Motion also failed to cite to any legal authority or provide any references to the trial record. See Marcavage v. Bd. Of Trs., 2002 U.S. Dist. LEXIS 19397, at *9 n. 8 (E.D. Pa. Sept. 30, 2002) (“Under our district’s local rules, failure to cite to any applicable law is enough to deny a motion as without merit since zeal and advocacy is never an appropriate substitute for case law and statutory authority in dealings with the Court.”).

Defendant's failure to comply with Local Rule 7.1(c) justifies dismissal without any further consideration. Rosenblit v. City of Philadelphia, No. CV 20-3121-KSM, 2021 WL 288887, at *3 (E.D. Pa. Jan. 28, 2021) (Marston, J.) ("The Court could deny Rosenblit's motion for this failure alone."); Rorrer v. Cleveland Steel Container Corp., No. CV 08-671, 2012 WL 138756, at *4 (E.D. Pa. Jan. 18, 2012) ("Plaintiff's failure to comply with Local Rule 7.1(c) could have justified dismissal of her motion without any further consideration."); Equip. Fin., LLC v. Hutchison, No. 09-CV-01964, 2010 WL 3791481, at *4 (E.D. Pa. Sept. 24, 2010), *aff'd*, 487 F. App'x 25 (3d Cir. 2012) (denying summary judgment and finding "defendants' mere citation of the statute of frauds without any meaningful discussion of its applicability and without citing other authority in support of its argument is insufficient under Local Rule 7.1(c)."); Core Constr. & Remediation, Inc. v. Village of Spring Valley, No. CV 06-1346, 2007 WL 2844870, at *8 (E.D. Pa. Sept. 27, 2007) ("Under the rules of this district, failure to cite to any applicable law is enough to deny a motion as without merit.").

Given Defendant's failure to comply with Local Rule 7.1(c), the authority cited above clearly supports dismissal of Defendant's Motion. Therefore, Plaintiffs' respectfully request that Defendant's Motion be denied.

Respectfully submitted,

/s/ Ian M. Bryson, Esquire
 IAN M. BRYSON, ESQUIRE
 SCOTT E. DIAMOND, ESQUIRE
Attorneys for Plaintiffs

Dated: July 5, 2022

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Certificate of Service

I, Ian M. Bryson, Esq., certify that on this date, I filed the foregoing Response in Opposition on ECF, which will provide notice to all counsel of record.

Respectfully submitted,

/s/ Ian M. Bryson, Esquire
IAN M. BRYSON, ESQUIRE
Attorneys for Plaintiffs

Dated: July 5, 2022